



Document 223315

Book 2022 Page 3315 Type 04 099 Pages 3
Date 7/28/2022 Time 9:27 AM
Rec Amt \$.00

CHRIS R DUNCAN, COUNTY RECORDER
BOONE IOWA

AMENDED ORDINANCE NO. 132

**REGULATING THE OPERATION OF ALL-TERRAIN AND OFF-ROAD VEHICLES IN
BOONE COUNTY**

Prepared by/Returned to Boone County Auditor's Office 201 State St Boone, IA 50036 515-433-0502

SECTION 1 PURPOSE: This ordinance shall designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may operate. The previous version of Ordinance 132 is repealed to the extent it is inconsistent with this version.

SECTION 2 DEFINITIONS: The definition of terms used in this ordinance are:

1.) "All-terrain vehicle," as defined by Iowa Code section 321I.1(1)(a), means a motorized vehicle with not less than three and not more than six non-highway tires that is limited by engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

2.) "Off-road vehicle," as defined in Iowa Code section 321I.1(18)(a), means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. "Off-road utility vehicle" includes the following vehicles:

(1) "Off-road utility vehicle – type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.

(2) "Off-road utility vehicle – type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.

(3) "Off-road utility vehicle – type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

3.) "Roadway," as defined in Iowa Code section 321I.1, means that portion of a highway improved, designed, or ordinarily used for vehicular travel. Roadway does not include the ditch.

SECTION 3 OPERATION ON ROADWAYS: If an All-Terrain Vehicle is properly registered pursuant to Iowa Code section 321I.3, may be operated on any gravel roadway in Boone County pursuant to the restrictions in this ordinance and those restrictions imposed by the Iowa Code. The operation under this ordinance applies to those gravel roadways lying

outside the city limits of any incorporated city which does not have an ordinance or other regulation in effect allowing such operation. An all-terrain vehicle and/or off-road utility vehicle may stop at service stations or convenience stores along the designated roadway. A registered all-terrain vehicle or off-road utility vehicle may be operated on any of the following secondary roads:

- 1.) An unpaved secondary road.
- 2.) A paved, undivided two-lane secondary road over the most direct and accessible route between any of the following locations:
 - a. An all-terrain vehicle park or trail.
 - b. Another secondary road on which such vehicles are authorized to operate.
 - c. A city street in which such vehicles are authorized to operate
 - d. The vehicle operator's residence
- 3.) Any other roadways permitted by Iowa Law.

SECTION 4 UNLAWFUL OPERATION. A person **shall not operate** an all-terrain vehicle and/or off road utility vehicle on any secondary roads of this county under any of the following conditions:

- 1.) At a rate of speed greater than the posted speed limit or greater than reasonable and/or proper under existing circumstances but in no case above 35 miles per hour.
- 2.) In a careless manner such that it creates or causes unnecessary tire squealing, skidding, or sliding upon acceleration or stopping; or simulates a race or causes any wheel or wheels to unnecessarily lose contact with the ground or causes the vehicle to unnecessarily turn abruptly or sway.
- 3.) Without a lighted white light to the front and lighted red light to the rear, both of which shall be installed and operated in accordance with industry standards and practices for the vehicle.
- 4.) While under the influence of intoxicating liquor or narcotics or drugs.
- 5.) Without liability insurance (or other proof of financial responsibility as provided in Iowa Code Chapter 321A) in an amount not less than that required by Iowa Code Chapter 321A for motor vehicles and shall carry proof of insurance on board. An owner or driver cited for a violation, who produces to the clerk of court prior to the person's court appearance as indicated on the citation proof that financial liability coverage was in effect for the motor vehicle at the time the person was stopped and cited, shall not be convicted of such violation and the citation issues shall be dismissed by the court. Upon dismissal, the court or clerk of court shall assess the costs of the action against the defendant named on the citation.
- 6.) A person shall not operate an All-Terrain or Off-Road Utility Vehicle on any designated riding area or designated trail unless the riding area or trail is signed as open to All-Terrain or Off Road Utility Vehicle operation.
- 7.) A person shall not operate an All-Terrain or Off-Road Utility Vehicle unless the operator is 18 years of age or older and has a valid Iowa Driver's License.
- 8.) On a secondary road when that secondary road or segment thereof is closed to motor vehicle traffic pursuant to Iowa Code section 306.41.
- 9.) When the secondary road or segment thereof is designated as a detour route pursuant to Iowa Code section 306.41.
- 10.) In a ditch of any highway, roadway, or paved or un-paved secondary road.

SECTION 5 EXEMPT VEHICLES AND OPERATORS: This Ordinance does not apply to any exemption under the Iowa Code for All-Terrain Vehicles and Off-Road Utility Vehicles operated pursuant to Iowa Code section 321I.9(government and farm implements) or Iowa Code section 321.234A (incidental to and use for agricultural purposes, government, public utilities, licensed engineers and licensed surveyors) or Iowa Code section 352.2, 321I.14(3)(b)(farm operations).

SECTION 6 PENALTIES: Violation of this Ordinance shall be punishable by a fine of not less than \$105.00 to \$850.00 and/or jail of not more than 30 days, plus the applicable court surcharge and costs.


SECTION 7 SEVERABILITY CLAUSE: If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8 EFFECTIVE DATE: This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law. This ordinance is in effect upon final passage, date July 1, 2022, pursuant to suspension of any additional votes at subsequent meetings, pursuant to Iowa Code 331.302(6)(a).

First Introduction: June 22, 2022.

Second Meeting: June 29, 2022.

Passed and Approved by the Boone County Board of Supervisors, this 1st day of July 2022.



Stephen Duffy, Chairman
Boone County Board of Supervisors

Attest: 

Diane Patrick, or designee
County Auditor

